IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
SECOND APPEAL NO.906 OF 2005

Shri Vishnu Bhagwan Pawar and Ors. ..Appellants
Versus
Shri Shankar Bhau Pawar ..Respondent

Mr.T.S.Talkute for appellants

CORAM : P.V.KAKADE, J.

DATE : 30TH AUGUST, 2005

P.C.:

1. This is an appeal preferred by the appellants against the judgment and order passed by Addl. District Judge, Satara dated 20.10.2004 dismissing the appeal and confirming the judgment and order passed by Civil Judge, Junior Division, Koregaon dated 20.8.1999 dismissing the plaintiffs' suit.

2. I have heard the learned counsel for the appellants. Perused the record.

3. The plaintiffs had filed the suit for reconveyance of sale deed of an agricultural land Gat No.356, which was executed on 6.9.1973 by appellant no.1

and deceased Hariba Pawar. The defendant challenged the suit on various grounds, inter alia, submitted that the allegations made by the plaintiffs were false and therefore, sought dismissal of the suit.

. The learned trial court adjudicated the dispute on merits and came to the conclusion that the plaintiffs had proved that the suit agreement was deed of reconveyance. On the other hand it was held that the plaintiffs had surrendered right of reconveyance in favour of defendant and suit came to be dismissed. The appeal was carried to the District Court. The learned Addl. District Judge after hearing both the parties concurred with the findings recorded by the trial court and dismissed the appeal. Hence the present appeal.

4. At the outset it must be noted that there is absolutely no substantial question of law involved in this appeal. The only question sought to be raised at this stage is with regard to the question whether the suit document amounts to deed of reconveyance and if so whether it requires registration under Section 17 of the Registration Act? In this regard the lower appellate court has relied upon ruling of Madras High Court in the

case of **Chinnakkal vs Chinna Thumbi Gounden** reported in **AIR 1934 Madras 703** wherein it is observed that "an agreement for reconveyance does not create any interest in immovable property and therefore, there was no necessity for registering such an agreement, where the agreement of reconveyance does not create any interest in the immovable property, a release of any right under that document will also not create any interest in the immovable property and as such no registration is called for". This view is also taken by this court earlier on which the Madras High Court has put reliance.

. Under the circumstances there is no doubt whatsoever that no registration is required for the suit document. In the result there is no merit in the appeal and appeal stands dismissed.